

Senate File 2205 - Introduced

SENATE FILE 2205

BY WHITVER

A BILL FOR

1 An Act relating to the promulgation and review of
2 administrative rules.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 17A.1, subsection 4, Code 2011, is
2 amended to read as follows:

3 4. In accomplishing its objectives, the intention of this
4 chapter is to strike a fair balance between these purposes and
5 the need for efficient, economical and effective government
6 administration. The intention of this chapter is to apply a
7 consistent, full-time effort toward making Iowa's regulatory
8 climate one which is more hospitable, obtains more input from
9 the citizens of Iowa, and is more transparent.

10 5. The chapter is not meant to alter the substantive rights
11 of any person or agency. Its impact is limited to procedural
12 rights with the expectation that better substantive results
13 will be achieved in the everyday conduct of state government by
14 improving the process by which those results are attained.

15 Sec. 2. Section 17A.4, subsection 1, paragraph b, Code 2011,
16 is amended to read as follows:

17 b. (1) Afford all interested persons not less than twenty
18 days to submit data, views, or arguments in writing, including
19 in an electronic format. If feasible, an electronic format may
20 include the use of electronic mail and posting to an internet
21 site. If timely requested in writing by twenty-five interested
22 persons, by a governmental subdivision, by the administrative
23 rules review committee, by an agency, or by an association
24 having not less than twenty-five members, the agency must give
25 interested persons an opportunity to make oral presentation.

26 (2) To the extent practicable, the agency shall provide
27 an opportunity to make oral presentations using the Iowa
28 communications network or other electronic means and provide
29 public access at multiple sites throughout the state. If
30 a request is received from twenty-five interested persons
31 residing in the same city or county, the agency shall provide
32 an opportunity for oral presentation in that city or county.

33 (3) The opportunity for oral presentation must be held
34 at least twenty days after publication of the notice of its
35 time and place in the Iowa administrative bulletin. The

1 agency shall consider fully all written and oral submissions
2 respecting the proposed rule. Within one hundred eighty
3 days following either the notice published according to the
4 provisions of paragraph "a" or within one hundred eighty
5 days after the last date of the oral presentations on the
6 proposed rule, whichever is later, the agency shall adopt a
7 rule pursuant to the rulemaking proceeding or shall terminate
8 the proceeding by publishing notice of termination in the Iowa
9 administrative bulletin.

10 Sec. 3. Section 17A.4, subsections 2 and 3, Code 2011, are
11 amended to read as follows:

12 2. An agency shall include in a preamble to each rule
13 it adopts ~~a brief explanation of the principal reasons for~~
14 ~~its action~~ pursuant to section 17A.5 a concise statement
15 of the principal reasons for and against the rule adopted,
16 incorporating in the statement the reasons for overruling
17 considerations urged against the rule and, if applicable, a
18 brief explanation of the principal reasons for its failure to
19 provide in that rule for the waiver of the rule in specified
20 situations if no such waiver provision is included in the rule.
21 This explanatory requirement does not apply when the agency
22 adopts a rule that only defines the meaning of a provision of
23 law if the agency does not possess delegated authority to bind
24 the courts to any extent with its definition. In addition, if
25 requested to do so by an interested person, either prior to
26 adoption or within thirty days thereafter, the agency shall
27 issue a concise statement of the principal reasons for and
28 against the rule adopted, incorporating therein the reasons for
29 overruling considerations urged against the rule. This concise
30 statement shall be issued either at the time of the adoption of
31 the rule or within thirty-five days after the agency receives
32 the request.

33 3. a. When an agency for good cause finds that notice and
34 public participation would be unnecessary, impracticable, or
35 contrary to the public interest, the provisions of subsection 1

1 shall be inapplicable. The agency shall incorporate in each
2 rule issued in reliance upon this provision either the finding
3 and a brief statement of the reasons for the finding, or a
4 statement that the rule is within a very narrowly tailored
5 category of rules whose issuance has previously been exempted
6 from subsection 1 by a special rule relying on this provision
7 and including such a finding and statement of reasons for the
8 entire category. A rule adopted pursuant to this subsection
9 shall only remain in effect for one hundred eighty days, unless
10 a shorter period is specified in the rule.

11 b. If the administrative rules review committee by a
12 two-thirds vote, the governor, or the attorney general files
13 with the administrative code editor an objection to the
14 adoption of any rule pursuant to this subsection, that rule
15 shall cease to be effective one hundred eighty days after
16 the date the objection was filed. A copy of the objection,
17 properly dated, shall be forwarded to the agency at the time of
18 filing the objection. In any action contesting a rule adopted
19 pursuant to this subsection, the burden of proof shall be on
20 the agency to show that the procedures of subsection 1 were
21 impracticable, unnecessary, or contrary to the public interest
22 and that, if a category of rules was involved, the category was
23 very narrowly tailored.

24 Sec. 4. Section 17A.4A, Code 2011, is amended to read as
25 follows:

26 **17A.4A Regulatory analysis.**

27 1. a. An agency shall issue a regulatory analysis of
28 a proposed rule that complies with subsection 2, paragraph
29 "a", if, within thirty-two days after the published notice of
30 proposed rule adoption, a written request for the analysis is
31 submitted to the agency by the administrative rules review
32 committee or the administrative rules coordinator. ~~An agency~~
33 ~~shall issue a regulatory analysis of a proposed rule that~~
34 ~~complies with subsection 2, paragraph "b", if the rule would~~
35 ~~have a substantial impact on small business and if, within~~

~~1 thirty-two days after the published notice of proposed rule
2 adoption, a written request for analysis is submitted to the
3 agency by the administrative rules review committee, the
4 administrative rules coordinator, at least twenty-five persons
5 signing that request who each qualify as a small business or by
6 an organization representing at least twenty-five such persons.~~
7 If a rule has been adopted without prior notice and an
8 opportunity for public participation in reliance upon section
9 17A.4, subsection 3, the written request for an analysis that
10 complies with subsection 2, paragraph "a" or "b", may be made
11 within seventy days of publication of the rule.

12 b. An agency shall issue a regulatory analysis of a rule
13 that complies with subsection 2, paragraph "b", if the rule is a
14 proposed rule, or has been adopted without prior notice and an
15 opportunity for public participation, if the rule would have an
16 adverse impact on small business. A regulatory analysis issued
17 pursuant to this paragraph shall be published as part of the
18 notice of proposed rule adoption or published along with a rule
19 that has been adopted without notice.

20 2. a. Except to the extent that a written request for
21 a regulatory analysis expressly waives one or more of the
22 following, the regulatory analysis must contain all of the
23 following:

24 (1) A description of the classes of persons who probably
25 will be affected by the proposed rule, including classes that
26 will bear the costs of the proposed rule and classes that will
27 benefit from the proposed rule.

28 (2) A description of the probable quantitative and
29 qualitative impact of the proposed rule, economic or otherwise,
30 upon affected classes of persons, including a description of
31 the nature and amount of all of the different kinds of costs
32 that would be incurred in complying with the proposed rule.

33 (3) The probable costs to the agency and to any other agency
34 of the implementation and enforcement of the proposed rule and
35 any anticipated effect on state revenues.

1 (4) A comparison of the probable costs and benefits of the
2 proposed rule to the probable costs and benefits of inaction.

3 (5) A determination of whether less costly methods or
4 less intrusive methods exist for achieving the purpose of the
5 proposed rule.

6 (6) A description of any alternative methods for achieving
7 the purpose of the proposed rule that were seriously considered
8 by the agency and the reasons why they were rejected in favor
9 of the proposed rule.

10 *b.* In the case of a rule that would have a ~~substantial~~
11 an adverse impact on small business, the regulatory analysis
12 must contain a discussion of whether it would be feasible and
13 practicable to do any of the following to reduce the impact of
14 the rule on small business:

15 (1) Establish less stringent compliance or reporting
16 requirements in the rule for small business.

17 (2) Establish less stringent schedules or deadlines in
18 the rule for compliance or reporting requirements for small
19 business.

20 (3) Consolidate or simplify the rule's compliance or
21 reporting requirements for small business.

22 (4) Establish performance standards to replace design or
23 operational standards in the rule for small business.

24 (5) Exempt small business from any or all requirements of
25 the rule.

26 *c.* The agency shall reduce the impact of a proposed rule
27 that would have a ~~substantial~~ an adverse impact on small
28 business by using a method discussed in paragraph "b" if the
29 agency finds that the method is legal and feasible in meeting
30 the statutory objectives which are the basis of the proposed
31 rule. For purposes of judicial review, a small business shall
32 be deemed to be aggrieved or adversely affected by an agency
33 determination that it would not be legal and feasible to reduce
34 the impact of a rule.

35 3. Each regulatory analysis must include quantifications

1 of the data to the extent practicable and must take account of
2 both short-term and long-term consequences.

3 4. Upon receipt by an agency of a timely request for
4 a regulatory analysis, the agency shall extend the period
5 specified in this chapter for each of the following until at
6 least twenty days after publication in the administrative
7 bulletin of a concise summary of the regulatory analysis:

8 a. The end of the period during which persons may make
9 written submissions on the proposed rule.

10 b. The end of the period during which an oral proceeding may
11 be requested.

12 c. The date of any required oral proceeding on the proposed
13 rule.

14 5. In the case of a rule adopted without prior notice and an
15 opportunity for public participation in reliance upon section
16 17A.4, subsection 3, the summary must be published within
17 seventy days of the a request made pursuant to subsection 1,
18 paragraph "a".

19 6. The published summary of the regulatory analysis
20 issued pursuant to subsection 1, paragraph "a", must also
21 indicate where persons may obtain copies of the full text
22 of the regulatory analysis and where, when, and how persons
23 may present their views on the proposed rule and demand
24 an oral proceeding thereon if one is not already provided.
25 Agencies shall make available to the public, to the maximum
26 extent feasible, the published summary and the full text of
27 the regulatory analysis described in this subsection in an
28 electronic format, including, but not limited to, access to the
29 documents through the internet.

30 7. If the agency has made a good faith effort to comply
31 with the requirements of subsections 1 through 3, the rule
32 may not be invalidated on the ground that the contents of the
33 regulatory analysis are insufficient or inaccurate.

34 8. a. For the purpose of this section, "*small business*"
35 means any entity including but not limited to an individual,

1 partnership, corporation, joint venture, association, or
2 cooperative, to which all of the following apply:

3 (1) It is not an affiliate or subsidiary of an entity
4 dominant in its field of operation.

5 (2) It has either twenty or fewer full-time equivalent
6 positions or less than one million dollars in annual gross
7 revenues in the preceding fiscal year.

8 *b.* For purposes of this definition, "*dominant in its field*
9 *of operation*" means having more than twenty full-time equivalent
10 positions and more than one million dollars in annual gross
11 revenues, and "*affiliate or subsidiary of an entity dominant in*
12 *its field of operation*" means an entity which is at least twenty
13 percent owned by an entity dominant in its field of operation,
14 or by partners, officers, directors, majority stockholders,
15 or their equivalent, of an entity dominant in that field of
16 operation.

17 9. By July 1, 2013, and every five years thereafter, each
18 agency shall review all existing rules under its purview to
19 determine whether such rules should be continued without
20 change, or should be amended or rescinded, consistent with
21 the stated objectives of the applicable statutes, to minimize
22 the economic impact of the rules on small businesses in a
23 manner consistent with the stated objectives of the applicable
24 statutes. If the agency determines that completion of the
25 review of existing rules is not feasible by July 1, 2013,
26 the agency shall publish notice of that finding in the Iowa
27 administrative bulletin. The agency may then extend the
28 completion date by one year at a time for a total of not more
29 than five years. In reviewing rules to minimize the economic
30 impact of the rules on small businesses, the agency shall
31 consider all of the following factors:

32 a. The continued need for the rule.

33 b. The nature of complaints or comments received from the
34 public concerning the rule.

35 c. The complexity of the rule.

1 d. The extent to which the rule overlaps, duplicates, or
2 conflicts with other federal, state, or local governmental
3 statutes, ordinances, or rules.

4 e. The length of time since the rule has been evaluated or
5 the degree to which technology, economic conditions, or other
6 factors have changed in the area affected by the rule.

7 Sec. 5. NEW SECTION. **17A.4B Negotiated rulemaking.**

8 1. An agency shall create a negotiated rulemaking group to
9 view draft rule proposals if required by statute. An agency
10 may, on its own motion or upon request, create a negotiated
11 rulemaking group if the agency determines that a negotiated
12 rulemaking group can adequately represent the interests
13 that will be significantly affected by a draft rule proposal
14 and that it is feasible and appropriate in the particular
15 rulemaking. Notice of the creation of a negotiated rulemaking
16 group shall be published in the Iowa administrative bulletin.
17 Upon establishing a negotiated rulemaking group, the agency
18 shall also specify a time frame for group deliberations.

19 2. Unless otherwise provided by statute, the agency shall
20 appoint a sufficient number of members to the group so that
21 a fair cross section of opinions and interests regarding the
22 draft rule proposal is represented. One person shall be
23 appointed to represent the agency. The group shall select its
24 own chairperson and adopt its rules of procedure. All meetings
25 of the group shall be open to the public. A majority of the
26 membership constitutes a quorum. Members shall not receive
27 any per diem payment but shall be reimbursed for all necessary
28 expenses. Any vacancy shall be filled in the same manner as
29 the initial appointment.

30 3. Prior to the publication of a notice of intended action,
31 the group shall consider the terms or substance of the rule
32 drafted by the agency and shall attempt to reach a consensus
33 concerning the draft rule proposal.

34 4. If a group reaches a consensus on a draft rule proposal,
35 the group shall transmit to the agency a report containing the

1 consensus on the draft rule proposal. If the group does not
2 reach a consensus on a draft rule proposal within the specified
3 time frame, the group shall transmit to the agency a report
4 stating that inability to reach a consensus and specifying any
5 areas in which the group reached a consensus. The group may
6 include in a report any other information, recommendations,
7 or materials that the group considers appropriate. Any group
8 member may include as an addendum to the report additional
9 information, recommendations, or materials. A report issued
10 under this subsection shall not be considered final agency
11 action for purposes of judicial review.

12 5. Unless otherwise provided by statute, following a
13 negotiated rulemaking group consideration of a draft rule
14 proposal, the agency may commence rulemaking as provided in
15 section 17A.4. The group is automatically abolished upon the
16 agency's adoption of the rule pursuant to the provisions of
17 section 17A.5.

18 Sec. 6. NEW SECTION. **17A.6A Searchable rules database.**

19 1. Each agency shall make available to the public a
20 searchable rules database, published on an internet site
21 detailing all of the rules promulgated by the department.

22 2. By January 1, 2014, each agency shall develop and make
23 publicly available a database internet site for searching and
24 accessing the rules promulgated by the agency.

25 3. The searchable internet site developed pursuant to this
26 section shall allow the public at no cost to search and compile
27 the information provided pursuant to this subsection. Each
28 agency shall provide the following:

29 a. The rules promulgated by the agency.

30 b. Date of last review of all of its rules under section
31 17A.7.

32 c. Any regulatory analysis issued under section 17A.4A.

33 d. Minutes of any public hearing conducted pursuant to
34 section 17A.4.

35 e. Any other relevant information specified by the agency.

1 4. Effective July 1, 2014, the internet site shall be
2 updated regularly as new data and information become available,
3 but all data and information shall be updated no less
4 frequently than annually within thirty days following the close
5 of the state fiscal year.

6 5. The agency is not in compliance with this section if
7 the data required for the internet site is not available in
8 a searchable manner or if the public is redirected to other
9 government internet sites unless each of those sites displays
10 information from all agencies and each category of information
11 required can be searched electronically by field in a single
12 search.

13 Sec. 7. Section 17A.7, Code 2011, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 3. Over a five-year period of time, an
16 agency shall conduct an ongoing and comprehensive review of
17 all of the agency's rules. The goal of the review is the
18 identification and elimination of all rules of the agency that
19 are outdated, redundant, overbroad, ineffective, unnecessary,
20 or otherwise undesirable. An agency shall commence its review
21 by developing a plan of review in consultation with major
22 stakeholders and constituent groups. As part of its review, an
23 agency shall review existing policy and interpretive statements
24 or similar documents to determine whether it would be necessary
25 or appropriate to adopt these statements or documents as rules.

26 a. An agency shall establish its five-year plan for review
27 of its rules and publish the plan in the Iowa administrative
28 bulletin.

29 b. An agency's plan for review shall do all of the
30 following:

31 (1) Contain a schedule that lists when the review of each
32 rule or rule group will occur.

33 (2) State the method by which the agency will determine
34 whether the rule under review meets the criteria listed in this
35 subsection.

1 (3) Provide a means for public participation in the review
2 process and specify how interested persons may participate in
3 the review.

4 (4) Identify instances where the agency may require an
5 exception to the review requirements.

6 (5) Provide a process for ongoing review of rules after the
7 initial five-year review period has expired.

8 c. An agency shall consider all of the following criteria
9 when reviewing its rules:

10 (1) The need for the rule.

11 (2) The clarity of the rule.

12 (3) The intent and legal authority for the rule.

13 (4) The qualitative and quantitative benefits and costs of
14 the rule.

15 (5) The fairness of the rule.

16 d. When an agency completes its five-year review of its
17 rules, the agency shall provide a summary of the results to the
18 administrative rules coordinator and the administrative rules
19 review committee.

20 Sec. 8. Section 17A.23, Code 2011, is amended to read as
21 follows:

22 **17A.23 Construction — delegation of authority.**

23 1. Except as expressly provided otherwise by this chapter
24 or by another statute referring to this chapter by name, the
25 rights created and the requirements imposed by this chapter
26 shall be in addition to those created or imposed by every other
27 statute in existence on July 1, 1975, or enacted after that
28 date. If any other statute in existence on July 1, 1975, or
29 enacted after that date diminishes a right conferred upon a
30 person by this chapter or diminishes a requirement imposed upon
31 an agency by this chapter, this chapter shall take precedence
32 unless the other statute expressly provides that it shall take
33 precedence over all or some specified portion of this ~~named~~
34 cited chapter.

35 2. This chapter shall be construed broadly to effectuate

1 its purposes. This chapter shall also be construed to apply
2 to all agencies not expressly exempted by this chapter or by
3 another statute specifically referring to this chapter by
4 name; and except as to proceedings in process on July 1, 1975,
5 this chapter shall be construed to apply to all covered agency
6 proceedings and all agency action not expressly exempted by
7 this chapter or by another statute specifically referring to
8 this chapter by name citation.

9 3. An agency shall have only that authority or discretion
10 delegated to or conferred upon the agency by law and shall not
11 expand or enlarge its authority or discretion beyond the powers
12 delegated to or conferred upon the agency. Unless otherwise
13 specifically provided in statute, any grant of rulemaking
14 authority shall be construed narrowly.

15 **Sec. 9. NEW SECTION. 17A.24 Implementation of federal**
16 **statute, regulation, or policy.**

17 1. Except as otherwise explicitly authorized by state law, a
18 state administrative agency charged with the implementation of
19 a federal statute, regulation, or policy shall not exceed the
20 specific requirements of that statute, regulation, or policy.

21 2. Any portion of a state administrative agency rule or
22 policy that is in violation of subsection 1 is void.

23 3. For purposes of judicial review, an individual or
24 business shall be deemed to be aggrieved or adversely affected
25 by an agency determination that the state rule does not exceed
26 the federal statute, regulation, or policy.

27 **Sec. 10. Section 68B.2, subsection 13, paragraph b,**
28 **subparagraph (8), Code 2011, is amended to read as follows:**

29 (8) Persons whose activities are limited to submitting
30 data, views, or arguments in writing, including in an
31 electronic format, or requesting an opportunity to make an oral
32 presentation under section 17A.4, subsection 1.

33 **Sec. 11. ENVIRONMENTAL PROTECTION AGENCY AND DEPARTMENT OF**
34 **NATURAL RESOURCES STUDY. A commission of twelve members is**
35 **created to comprehensively review all proposed and existing**

1 rules in order to assess the effects of current and proposed
2 environmental protection agency and department of natural
3 resources rules on Iowa cities over a ten-year period.

4 1. Commission membership. The commission shall consist of
5 the following members:

6 a. The director of the department of natural resources or
7 designee.

8 b. Three environmental group representatives, to be
9 appointed by the governor and to serve at the pleasure of the
10 governor.

11 c. Two city representatives, to be appointed by the governor
12 and to serve at the pleasure of the governor.

13 d. Two county representatives, to be appointed by the
14 governor and to serve at the pleasure of the governor.

15 e. Four members of the general assembly serving as
16 ex officio, nonvoting members, one representative to be
17 appointed by the speaker of the house of representatives, one
18 representative to be appointed by the minority leader of the
19 house of representatives, one senator to be appointed by the
20 majority leader of the senate after consultation with the
21 president of the senate, and one senator to be appointed by the
22 minority leader of the senate.

23 2. Organization and operation.

24 a. The commission shall select its own chairperson and
25 establish its rules of procedure.

26 b. By December 1, 2012, the commission shall hold at least
27 three public hearings throughout Iowa to listen to the concerns
28 of Iowa citizens.

29 c. The commission may also meet as deemed necessary by the
30 chairperson.

31 d. A majority of the members of the commission shall
32 constitute a quorum.

33 e. Members shall serve without compensation, but may be
34 reimbursed for actual expenses.

35 f. The economic development authority shall provide staff

1 support for the commission.

2 3. Report. The commission shall submit recommendations
3 to the general assembly, the office of lean enterprise, and
4 the governor on or before January 15, 2013, identifying rules,
5 policies, or procedures for which the negative effects on
6 Iowa's cities outweigh the intended benefits, and identifying
7 rules, policies, or procedures for which the benefits on Iowa's
8 cities outweigh the negative effects.

9 4. Termination. The commission shall terminate upon
10 submission of its report to the general assembly.

11 EXPLANATION

12 This bill relates to the administrative rulemaking process
13 utilized by state agencies.

14 The bill amends Code section 17A.1 to provide that it is the
15 intention of the law to apply a consistent, full-time effort
16 toward making a rulemaking climate "which is more hospitable,
17 obtains more input from the citizens of Iowa and is more
18 transparent".

19 The bill amends Code section 17A.4 to require administrative
20 agencies, when feasible, to hold rulemaking hearings in
21 varied locations throughout the state and to allow citizens to
22 participate in administrative rules hearings remotely through
23 electronic means.

24 The bill requires that every adopted rule must be
25 accompanied by a concise statement of the principal reasons
26 for and against the rule adopted. Under current law such a
27 statement is only provided on request.

28 The bill also provides that so-called "emergency" rules,
29 adopted without notice and public participation, are in effect
30 for only 180 days.

31 The bill amends Code section 17A.4A to revise the procedure
32 for requesting a regulatory analysis for proposed rules.
33 This analysis required under current law is essentially a
34 cost-benefit study identifying the impact of a rule on the
35 affected public and, in the case of a rule that would have a

1 substantial impact on small business, the regulatory analysis
2 must contain a discussion of whether it would be feasible and
3 practicable to reduce the impact of the rule on small business.

4 The bill requires an analysis on every new rule which has an
5 adverse impact on small business and requires the analysis to
6 be published in the Iowa administrative bulletin along with the
7 new rule. If an agency determines that it would not be legal
8 and feasible to reduce the adverse impact on small business, a
9 small business would have judicial standing to challenge that
10 determination in district court. The bill also requires a
11 periodic review of all rules to minimize the economic impact
12 of the rules on small businesses. The initial review must be
13 completed by July 1, 2013, and will be repeated every five
14 years.

15 The bill creates new Code section 17A.4B to provide that if
16 required by statute, an agency shall create an ad hoc group to
17 review draft rule proposals prior to commencing a rulemaking
18 proceeding. Where a statute does not require this review, the
19 bill allows an agency to create such a review group. Members
20 are appointed by the agency and the composition must adequately
21 represent a fair balance of the interests affected by the rule.
22 Once such a group is created, the agency may only commence
23 rulemaking after the group has considered the draft rule
24 proposal in question. The bill is based on similar provisions
25 found in the federal Administrative Procedures Act.

26 The bill creates new Code section 17A.6A to require that each
27 agency make available a searchable database and internet site
28 detailing all of the rules promulgated by the agency.

29 The bill amends Code section 17A.7 to require that each
30 agency review all of its administrative rules on a five-year
31 cycle.

32 The bill amends Code section 17A.23 to establish a new rule
33 of statutory construction: Unless otherwise specifically
34 provided in statute, any grant of rulemaking authority shall
35 be construed narrowly.

1 The bill creates Code section 17A.24 which provides that
2 state implementation of a federal statute, regulation, or
3 policy by a state administrative agency shall not exceed the
4 specific requirements of the federal statute, regulation,
5 or policy, except as specifically allowed by state law.
6 Any portion of a state rule or policy in violation of this
7 requirement is void.

8 The bill creates a commission to comprehensively review
9 and assess the effects of current and proposed environmental
10 protection and department of natural resources rules on
11 Iowa cities over a 10-year period. The bill defines the
12 commission's membership, mandates at least three public
13 hearings throughout Iowa, and establishes basic rules for the
14 commission. The commission terminates upon submission of its
15 report in January of 2013.